



## Lamoine Board of Selectmen

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### Minutes of May 16, 2013

Chair Jo Cooper called the meeting to order at 7:33 PM

Present were: Selectmen S. Josephine Cooper, Gary McFarland, Nathan Mason, Bernie Johnson (arrived 7:50 PM, had notified board he would be late); Administrative Assistant Stu Marckoon, Code Enforcement Officer Michael Jordan, Planning Board Chair John Holt, RSU 24 Withdrawal Committee member Gordon Donaldson, Planning Board Alternate Perry Fowler, Assessor Jane Fowler and Fire Chief George "Skip" Smith. Selectman Cynthia Donaldson had informed the board prior to the meeting that she would not be able to attend.

**Agenda Review** – Gary suggested moving item 2 on the addendum up when Bernie arrives.

**Minutes of May 2, 2013** – Jo moved to approve the minutes as written. Gary 2<sup>nd</sup>. **Vote in favor was 3-0.**

**Expenditure Warrant 22** – Selectmen signed the warrant in the amount of \$192,475.99. Stu noted that he would have to transfer some money from the investments account, and that \$172,000 plus was for the school bill.

**Cash/Budget Report** – Stu noted that excise tax has now moved ahead of budget projections for the first time in months.

**Tax Liens** – Stu reported that the tax collector was planning to send 30-day notices out soon, possibly the next day. He said about \$110,000 owed by 131 taxpayers remains unpaid from the 2012/13 tax commitment.

**Unpaid Demolition Debris Bill** – Stu reported that a bill for about \$330 incurred in 2009 has yet to be paid, and it is the only unpaid bill from the program, and asked for advice on how to collect it. Nathan suggested sending a certified letter. Jo said the incentive could be to give a certain amount of time to pay and waive the interest, and to suggest that if it's not paid within that amount of time, the matter would go to small claims court for the full amount, interest and costs. Stu said he would do that.

**RSU 24 Withdrawal** – Gary said he was unable to attend the last meeting of the Withdrawal Committee which discussed forming a budget committee. He reminded everyone that the RSU Withdrawal Agreement hearing is Monday night at 7:00 PM at the Lamoine Consolidated School. He said that would be the only hearing conducted by the RSU. He noted the RSU had a similar hearing in Ellsworth this week, but he was not sure of the procedure. He recommended written questions and noted the hearing is not to discuss the future of school operations. He said there are copies of the agreement available at the town hall and urged folks to pick them up and read it. He said there is no opportunity to vote on Monday. He said the withdrawal committee might have some names to suggest.

Gordon Donaldson said a projected calendar was added to the Selectmen's packet this evening. He said if any changes are suggested at the hearing, those would be sent to the Department of Education by the withdrawal committee. He said July and August would be information collection time for budget development, as summer would give the budget development committee time to look at things more than finances. He said that committee could also discuss a budget with Hancock and Ellsworth, and maybe prepare to contract for some services from the RSU. He said there would be little public input sought during that time and it would be a pretty low key process. He said by September and October, two to three options on how to share costs could become available. He said budget costs could not be pinned down. He said there would have to be a final choice of partners and only a new school committee could recommend a budget. He said the figures related to leaving the RSU would not be finalized until June 30, 2014.

Dr. Donaldson said a budget development committee could get a range of budgets available, but it would be a leap of faith. Gary said the intention was to have at least two forums. Dr. Donaldson said there could be more. Gary said the idea of the forums was to answer questions. He said as of Monday, the town is at step 10-A in the withdrawal process.

Dr. Donaldson said the RSU withdrawal committee discussed possible budget development committee members and the committee's duties. He said there could be members from the withdrawal committee, former school committee members, and maybe a budget committee member or two. He said the budget development committee should consult with school personnel. Nathan said that committee might want to determine what happens if one community should withdraw, but the other two communities don't. Gary said the biggest impact would be if Ellsworth withdrew and Lamoine did not.

Dr. Donaldson said the withdrawal committee didn't think there was much specific information a year ago about the budget for Lamoine, but it turns out pretty specific budget information does exist. He said they have a pretty good idea on what it costs now to run the Lamoine School.

Nathan noted that Cherryfield just withdrew from RSU 37. Jo said there appeared to be an informational sheet for the public hearing. Gary said the hearing in Ellsworth this week saw a lot of confusion, and that topics other than the withdrawal agreement came up. He said the hearing on Monday is strictly this agreement. Jo asked what other preparation needs to be done for the public hearing. Stu noted the information sheet was a draft that he'd received via e-mail. Dr. Donaldson said the sheet would be available at the meeting on Monday. Gary noted the RSU Board chair would run the meeting. Dr. Donaldson noted that the Superintendent talked about the withdrawal steps at the Ellsworth hearing, and then turned the meeting over to the withdrawal committee. Jo asked if the meeting was at the school. Gary said that was correct, and it begins at 7:00 PM.

**Fire Truck Chassis Bid** – Fire Chief George Smith recommended that the Selectmen accept the bid from Colwell Diesel. He said the department worked with Colwell to come up with generic specifications and that the bid price was about \$3,000 less than what was worked up. Gary asked about an exhaust switch which was part of the specification, and whether that can be shut off. Chief Smith said it could. A very brief discussion followed. Jo moved to approve the chief's recommendation. Nathan 2<sup>nd</sup>. **Vote in favor was 4-0, and Chief Smith signed the acceptance.**

Stu reported that he asked the town's banker earlier in the day whether bond counsel is necessary for the loan, and the bank said it would get back to him. He said that could potentially save a couple thousand dollars.

**Special Town Meeting Request – Gravel Ordinance** – Stu reported that Perry Fowler had requested that the Selectmen call a special town meeting to consider a new gravel ordinance that Mr. Fowler had developed. He apologized for scanning only one side of the pages of the ordinance, not realizing it was printed on both sides until later in the day. He said new copies were printed for the meeting.

Mr. Fowler said the ordinance development was not solely his doing. He said he got help from the Code Enforcement Officer. He said that after listening at past Planning Board meetings, he learned that anyone can write an ordinance on their own. He said CEO Michael Jordan was very helpful. He said that nothing could be written that makes everyone happy. He said attorney Ed Bearor had reviewed the proposed ordinance and that would end the lawsuit. He noted that he is not part of that suit.

Mr. Fowler said he was going to get a petition going, but Stu recommended that he first ask the Selectmen about scheduling a special meeting. Jo noted that the Selectmen only received the proposed ordinance at 3:30 this afternoon. She said she liked knowing there were other eyes on it. She said she had not had time to read it yet, and asked about the timing of a special town meeting.

Stu said the timing for a special meeting would depend on what type of meeting is proposed – open or referendum. He said with an open meeting, the posting requirements are fairly swift, but with a referendum there has to be absentee ballot opportunities and a public hearing prior to the vote, and that would take longer.

Jo asked about having Maine Municipal Association review the proposed ordinance. Bernie asked whether the town attorney handling the gravel suit could do it. Stu said MMA would not likely review the ordinance. Bernie said he understands that if there is a special town meeting, the voters could decide whether to adopt or not. He said an open town meeting would give the opportunity for discussion. He said he's not sure who would read the proposed ordinance and a brief discussion followed.

Mr. Fowler said the biggest proposed change is with the setbacks. He said there are a lot of other changes too. He said the big question is whether the Selectmen would consider putting it before the voters. Jo asked what the Planning Board's position is. Mr. Fowler said the Planning Board has not seen the entire ordinance yet. Jo said she's

not comfortable to saying yea or nay, but she's open to the idea of a special town meeting. Bernie said there has been no shortage of discussion about the gravel ordinance, but he would like to read through the proposed document. Nathan said he would like to hear from the Planning Board after it reviews the proposed ordinance. Planning Board chair John Holt said a public forum for discussion would be the appropriate time for the board to do that. He said the town attorney advised the Planning Board not to discuss the gravel ordinance at this time.

Jo noted the Selectmen have communication from the town attorney to refrain from discussion about the gravel ordinance for now. Dr. Donaldson said that at the last Planning Board meeting they held off from proposing possible changes, and that puts the town in a bind. Nathan said he didn't see any conflict in reviewing a proposed ordinance. Mr. Fowler said it appears the Planning Board's hands are tied.

Stu said he would suggest that the Selectmen table this until they can meet with the town attorney. Mr. Fowler asked what would happen if he circulated a petition. Stu said if there were enough valid signatures and it was a legal question, the Selectmen are statutorily obligated to place the issue on the next town meeting warrant.

Jo said she thinks she is interested in possibly proceeding to town meeting. Bernie said that after speaking with the town attorney, there could be a movement toward resolution of this matter. A brief discussion followed.

Jo said to Mr. Fowler that she didn't think he needed to go the petition route. She said the Selectmen would wait for another meeting and the board should have some idea by that time. She said her response is to take no action tonight, as one Selectman is missing. She said she thinks the board might act on the request. She moved to table the matter until the next regular meeting. Bernie 2<sup>nd</sup>. **Vote in favor was 4-0.**

**Snow Plowing Contract with Richard McMullen** – Stu said he filled in the numbers from the winning bid into the blanked contract, and Mr. McMullen seemed satisfied. He said the escalator figure of 5% was not built into next year's budget because he didn't know how much the contract would be. He suggested a special town meeting could appropriate that money from the Roads Fund. Jo moved to sign the contract. Gary 2<sup>nd</sup>. **Vote in favor was 4-0.**

**Road Work List** – Stu noted the paving was done yesterday, and the fire department lot was slightly expanded and came out very well. Jo moved to authorize the Road Commissioner to execute the work list as presented. Bernie asked if we generally bid the work out. Stu said he usually gets estimates from folks who provide a particular service. Bernie 2<sup>nd</sup> the motion. **Vote in favor was 4-0.**

**Hodgkins Scholarship Committee** – Jo said she could not serve as she has children who will likely apply. Gary said he had no time available. Bernie and Nathan said they would be willing to serve, and Stu said he suspected Cynthia could also serve. Jo recommended that those three comprise of the subcommittee.

**Assembly at School** – Stu noted that the principal had asked for a range of questions that students might address and he took a shot at them, and was glad the Selectmen responded with questions of their own. He said everything appears to be ready for the meeting a week from Friday at 12:45 PM.

**Personnel List** – Stu distributed the list of appointees whose terms expire next month and whether they would be willing to be reappointed. He said there are positions on the Parks Commission, Local School Advisory Committee, and the Conservation Commission that could use candidates. Nathan suggested sending that list to Betty Anderson at the school for inclusion in the newsletter.

**Guaranteed Annual Tonnage Trade** – Stu reported that the amount of trash sent to the PERC plant has fallen in the past year, and we are unlikely to meet the 600-ton guarantee. He suggested lowering that amount to 575 tons. Jo moved to lower the GAT to 575 tons. Nathan 2<sup>nd</sup>. **Vote in favor was 4-0. Jo signed the request.**

**Meeting Time with Town Attorney** – After much discussion, the board decided that it could meet with town attorney Daniel Pileggi in executive session following the school assembly at 1:30 PM a week from Friday (May 24). The backup time would be the evening of May 22, 2013. Nathan noted he would not be available on the 22<sup>nd</sup>. Gary said it would be difficult for him to stay beyond the assembly on the 24<sup>th</sup>.

**Next Meetings** – Jo noted the next official meeting is May 24, 2013 at 12:45 PM at the school and the next regular meeting would be June 6, 2013 at 7:00 PM at the town hall.

There being no further business, the meeting adjourned at 8:36 PM

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Selectmen